

## **REMARKS**

In response to the above Office Action, independent claims 1 and 20 have been amended to more specifically claim applicants' invention and distinguish it from the cited prior art and to place the claims in more traditional U.S. format. More particularly, the claims now include internal temperature and pressure sensors for measuring the temperature and pressure inside the metering chamber and external temperature and pressure sensors for measuring the temperature and pressure outside of the metering chamber of the gas dosing apparatus. Support for these limitations can be found in claims 6-8, 11, 14, and 25, which claims have been cancelled, as well as in FIG. 1. See sensors 5, 6, 7, and 12.

In addition, dependent apparatus claims 2-5, 9, 10, 12, 13, and 15-19 and dependent method claims 21-24 and 26-28 have been amended for clarity, to avoid improper multiple dependency and to place the claims in more traditional U.S. format.

The abstract has also been amended to comply with M.P.E.P. §608.01(b).

In the Office Action the Examiner rejected claims 1-6 under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 6,131,572 to Heinonen.

Heinonen may show a dosing device having a chamber 5 of known volume, a supply of compressed gas 2, and inlet and outlet ducts for the chamber as well as pressure sensors 6 and 7 for sensing the pressure in the chamber. However, in contrast to claim 1, it does not include 1) at least one temperature sensor for measuring the temperature inside the chamber, 2) at least one temperature sensor exposed to the environment located on an external part of the gas-dosing apparatus for measuring the temperature outside of the chamber, and 3) at least one pressure sensor exposed to the environment located on an external part of the gas dosing apparatus for measuring the

pressure outside of the chamber. This is necessary to achieve precision in measuring the volume of gas to be delivered by the apparatus which is required in the environment where it is intended to be used, namely the gas dosing of containers used to transport foodstuffs. See page 1, first paragraph of the specification.

Since Heinonen fails to disclose these elements of applicants' apparatus, it is submitted it cannot be considered to anticipate it. Its withdrawal as a ground of rejection of claim 1 and claims 2-5, 9, 10, 12, 13, and 15-19 dependent therefrom under 35 U.S.C. §102(b) is therefore requested.

The Examiner also rejected claims 20 and 21 under 35 U.S.C. §103(a) for being obvious over Heinonen in view of Kretschmer et al. (hereafter Kretschmer).

The deficiencies of Heinonen are noted above, and it is submitted that Kretschmer does not disclose or suggest what is missing in Heinonen. First of all, Kretschmer relates to a method of adjusting the mass stream and flow density "of a finely divided, fine-grained solid fuel." (Emphasis added). It may measure pressure and temperature in the method, but this is hardly relevant to measuring a gas as in Heinonen and this invention. As noted in M.P.E.P. §2141.01(a), for the Examiner to be able to rely on a reference under 35 U.S.C. §103 as a basis for rejection of an applicant's invention, "the reference must either be in the field of applicant's endeavor, or, if not, then be reasonably pertinent to the particular problem with which the inventor is concerned." How can a method for adjusting the mass stream and flow density of a solid be reasonably pertinent to adjusting the flow volume of a gas? It is submitted that any suggestion to combine Kretschmer with Heinonen is hindsight based solely on a reading of applicants' specification and not from anything suggested by either reference.

Moreover, Kretschmer may teach measuring the presume and temperature inside a chamber, but it is not seen where it measures the temperature and pressure outside the chamber as required by claim 20.

As noted in M.P.E.P. §2143, to establish a prima facie case of obviousness all of the claimed features must be disclosed or suggested in the combination of references relied on. Thus even if it was proper to combine Heinonen with Kretschmer, the combination still does not render applicants' invention as set forth in claim 20 obvious.

Withdrawal of Heinonen in view of Kretschmer as a ground of rejection of claim 20 and claims 21-24 and 26-28 dependent therefrom under §103(a) is therefore requested.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

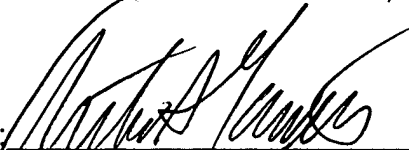
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: January 23, 2006

By:



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**Attachments:      Replacement Abstract**